

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SKYLER SHELTON,

Plaintiff,

v.

No. 1:23-cv-00813-KWR-KRS

THE UNIVERSITY OF NEW MEXICO,
a public university,
THE UNIVERSITY OF NEW MEXICO
BOARD OF REGENTS,
in their official capacity,
ANGELA CATENA,
in her official capacity,
MICHELLE SANCHEZ,
in her official capacity,
and
BEN ZINKE,
in his official capacity.

Defendants.

PLAINTIFF SHELTON'S FOURTH STATUS REPORT

As directed by the Court, Plaintiff Sheldon files his fourth bi-monthly status report in this matter. *See* Order for Bi-Monthly Status Reports, Dkt. 37. An update on the status of the Title IX proceedings at the University of New Mexico is as follows:

1. On October 28, 2024 the University of New Mexico Board of Regents issued a decision reversing President Garnet Stokes' July 1, 2024, dismissal of Case No. I-2022-6195. Without addressing any of the procedural defects that bar UNM from holding a formal hearing, the Board of Regents remanded the Title IX case back to the Hearing Officer for a de novo hearing on the merits.

2. On November 1, 2024, Mr. Sheldon's undersigned counsel sent a letter to the New Mexico Board of Regents setting forth his concerns surrounding the appeal decision, noting the multitude of procedural and investigative errors that bar UNM from holding a third formal hearing. Mr. Sheldon requested that the Board of Regents stay the remand decision until a resolution of those procedural and investigatory errors are addressed.

3. The Board of Regents has not ruled on Mr. Sheldon's request to stay the remand order or resolve the jurisdictional issues that govern whether a formal hearing can be held at all.

4. Nevertheless, the Board of Regents is working with the parties to schedule a third formal hearing in this matter for February 2025.

Respectfully submitted,

ROTHSTEIN DONATELLI LLP

/s/ Marc Lowry

MARC LOWRY

500 4th Street NW, Suite 400

Albuquerque, New Mexico 87102

(505) 243-1443 – office

(505) 242-7845 – fax

mlowry@rothsteinlaw.com

Attorney for Plaintiff Skyler Sheldon

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that on the 2nd day of December 2024, I filed the forgoing pleading electronically through the Court's CM/ECF System, which cause counsel of record to be served by electronic means.

/s/ Marc M. Lowry

ROTHSTEIN DONATELLI LLP